

Program Mission

Manage water resources to meet the current and future needs of the natural environment and Washington's communities.

Environmental Threats

Washington residents historically have had an abundance of clean and cheap water, in what has traditionally been viewed as a water rich state. This has changed. Washington increasingly lacks water where and when it is needed for communities and the natural environment. The state has been experiencing unprecedented population growth and a booming economy, which have fueled a growing demand for water.

Until recently, the quiet but growing issue of adequate water resources remained widely unrecognized except by a circle of interests who traditionally follow water issues closely. A number of factors have combined to increase public awareness about water availability and to make the issue one of importance to state leaders:

- Growing communities and the increased competition for water.
- Drought -- with dry streams, withered crops, dead fish, wildfires, and reduced hydropower.
- A crisis in the agricultural economy further strained by limits in water supply.
- Federal Endangered Species Act fish listings.
- Limited tools and funding to manage water.
- Costly delays and uncertainty for water rights applicants.
- Increased water litigation.
- Concern about longer term effect of climate change on water availability.

After years of gridlock, these factors and earlier

efforts set the stage for agreement on a multi-year process to develop a state water strategy. This resulted in enactment of HB 1832 and funding to address some long-standing water issues during the 2001 legislative session.

Authorizing Laws

Water use and water resources management are regulated by a complex web of statutory law (passed as legislation) and case law (made by courts). These laws include:

- *English Common Law: While still a territory, Washington adopted the English riparian doctrine of water law, whereby lands that abut a watercourse have the right to the reasonable use of the waters, and in times of shortage, all riparian users must reduce their use.*
- *Chapter 90.03 RCW, Water Code*
- *Chapter 90.44 RCW, Regulation of Public Ground Waters*
- *Chapter 18.104 RCW, Water Well Construction Act*
- *Chapter 90.14 RCW, Water Rights Registration*
- *Chapter 90.22 RCW, Minimum Water Flows*
- *Chapter 90.54 RCW, Water Resources Act*
- *Chapters 90.38 RCW and 90.42 RCW Trust Water Rights Program*
- *Chapter 90.80 RCW, Water Conservancy Boards*
- *Chapter 90.82 RCW, Watershed Planning*
- *HB 1832 - Year 1 Water Law Reform of 2001 (Chapter 237, Washington Laws 2001)*

Constituents/Interested Parties

- *Agricultural Groups*
- *Business and Industry*



- *Environmental Organizations*
- *State and Federal Agencies*
- *Indian Tribes*
- *Local Governments: Cities, Counties, Utilities, Irrigation Districts*
- *Local Watershed Planning Groups*
- *People Near Dams and Owners of Dams*
- *Real Estate Developers*
- *Recreational Water Users*
- *Sport and Commercial Fisheries*
- *Water and Power Utilities*
- *Water-right Holders*
- *Well Drillers*

Major Activities

Administer Water Rights

The agency is responsible for making decisions on applications for new water rights and changes and transfers to existing water rights. The 2001 legislature adopted HB 1832, which allows the agency to provide priority to processing water right changes and provided a budget increase that more than doubled the number of staff dedicated to processing water rights. The agency's top operational priority for water resources is to eliminate the existing backlog of nearly 2,000 water right change and transfer applications by 2005, as well as make substantial progress on additional change and transfer applications that come in during the period. Implementation actions include the following:

- Hiring, training, and deploying staff regionally in proportion to the change application backlog.
- Assist local water conservancy boards in making decisions.
- Making decisions on water rights in a watershed or sub-basins where there is sufficient information to make decisions.

Local Watershed Management

The Water Resources Program works with local watershed planning groups, other programs within the agency, other state agencies, and tribes to address water issues under the Watershed Management Act. Activities include:

- Providing technical support to local watershed planning groups to develop new or amended stream flows.
- Providing basic watershed planning support services, including hydrology, water law, water right processing, and data.

Restoring and Maintaining Stream Flows

The agency has responsibility for restoring and maintaining stream flows. The passage of HB 1832, along with additional funding, allows the program to improve its capacity in this area.

Activities include:

- Conducting technical studies and adopting stream flow rules in fish critical basins not engaged in watershed planning.
- Acquiring water to maintain and restore stream flows in fish critical basins through donations, leases, and purchases of trust water rights.

Water Rights Compliance

The agency has responsibility to ensure compliance with water rights. Activities include:

- Metering 80 percent of water use (by volume) in fish critical basins – the agency's top compliance priority, per court order.
- Strategically enforcing in egregious cases, for ESA needs, and high water use sectors.

Conservation and Re-use of Agricultural and Municipal Water Supplies

The agency supports conserving and re-using water supplies, including:

- Promoting water right transfers and changes to make better use of existing water supplies and reducing pressure on new sources.
- Providing project specific technical assistance.

Adjudication

The agency is responsible for initiating and supporting the adjudication of water rights. Adjudication is a judicial determination of existing water rights and water right claims, including federal, tribal, and non-tribal claims, to determine their validity and scope. Activities include:

- Supporting the Yakima River Basin adjudication. At the current level of effort, it

is anticipated that the adjudication will be 90 percent complete in the year 2003.

- Present information regarding adjudication to watershed planning groups.

Well Construction Regulation

The agency carries out its well drilling responsibilities by:

- Licensing and regulating well drillers, investigating complaints, approving variances, and providing continuing education to well drillers.
- Administering the program in partnership with delegated counties and providing technical assistance to homeowners, well drillers, tribes, and local governments.

Dam Safety

The agency staff oversees the safety of the state's dams by:

- Inspecting more than 300 existing dams situated above populated areas, focusing primarily on structural integrity and flood and earthquake safety.
- Conducting engineering reviews, approvals, and inspections of new construction and repair of existing dams and taking regulatory, enforcement, or emergency actions.

Drought Response

The agency provides services to mitigate the effects of droughts and to prepare for future drought by:

- Providing information, financial assistance, and coordinating drought response efforts.
- Providing water via emergency transfers, changes, and temporary wells.

Support Activities

Two functions provide the support necessary to carry out the major Water Resources Program activities:

- Data management, communication, and outreach services. This includes the development of a new water rights data system.
- Policy and planning support, including consultation, analysis, and implementation tools (manuals, procedures, and rules).

Major Issues

Washington Water Strategy - Issues Addressed in 2001 Legislative Session

Agreement on a multi-year process to develop a state water strategy and the results of the 2001 legislative session signaled the potential for overcoming an era of water gridlock. Issues addressed during the session include the following:

Water Rights Application Backlog: Changes to water law authorizing “two-line” processing of water rights and additional funding substantially increases the agency’s capacity to process water right changes and transfers. This is a crucial step forward in addressing the backlog of water right applications and making better use of existing water supplies. New provisions also will allow water conservancy boards to process all types of water right transfers and changes.

Inflexibility in Family Farm Water Permits: New provisions allow family farm water permits located in urban growth areas or within city limits to be converted to uses other than family farms such as: industrial, housing, and fish habitat. It also expands the family farm definition from 2,000 to 6,000 acres.

Declining Fish Populations and Endangered Species Act: Additional authorization and funding will enable the agency to work with watershed groups and in others in fish critical areas to establish stream flows. Funding was also provided to put water back into streams via trust water rights (purchases, leases, donations). Laws on trust water rights were changed to help in converting water rights to trust water.

Other issues addressed during the session include: tax incentives for water conservation and re-use, allowing food processing plants to reclaim water, and adding exceptions to the relinquishment law (“use it or lose it”).

***Water Strategy - Issues to Be Addressed in 2002
Legislative Session***

The following issues are expected to be addressed during the 2002 legislative session to continue progress on the multi-year water strategy:

Stream flows: Taking steps to achieve stream flows so water is available for communities, industries, power production, farmers, and fish.

Relinquishment of Water Rights: Designing further changes to the water rights relinquishment law that will allow water users to retain some of the water they conserve.

Growing Communities (municipal water): Making changes to water law that allow public water systems to grow into their water rights with certainty, move unused rights to meet the needs of growth and fish, and make use of interties to serve new growth and restore fish.

Storage and Infrastructure: Creating a water storage and infrastructure funding program for balanced and sustainable water management.

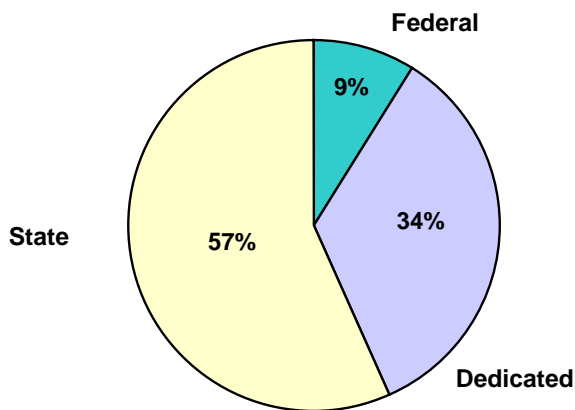
Water Resources Budget

Budget: \$35,614,936; Staffing: 151 FTEs

State	(\$ Amount)	Sources	Uses
General Fund – State	20,207,755	Multiple	Water rights decision making, county water conservancy board assistance, conservation/reuse assistance, watershed assistance, compliance, data management, public information, dam safety, and Yakima adjudication.
Federal			
General Fund – Federal	3,134,939	Federal grants	Dam safety inspections, Yakima Enhancement liaison, and Methow Valley Irrigation District rehabilitation.
Dedicated Funds			
Reclamation Revolving Acct	1,624,963	Well construction fees; well operators' licenses, and hydropower fees	Administration of the well driller's licensing program; including grants to local governments and a 50/50 revenue share for counties that have delegated well construction management authority. Contract with the US Geological Survey for stream gauging.
Emergency Water Projects	784,231	Previous bond sales; loan repayment and interest payments; transfer from general fund – state	Drought relief activities, primarily permit staffing for Ecology. Grants to other state agencies for drought relief activities.
Referendum 38 (Agricultural Water Supply Bond Funds)	490,904	Bond sales; loan repayments and interest payments	Staff support for grants and loans for the improvement and/or construction of agricultural water supply facilities. Technical assistance to irrigation districts. Operation and maintenance of Zosel Dam (Lake Osoyoos in Okanogan County).
Basic Data	310,000	Contributions from private & local entities	Pass through to the US Geological Survey for stream gauging data collection.
Drought Preparedness	4,690,161	Previous bond sales, loan repayments and interest payments	Drought relief and projects and activities to prepare the state for future droughts. Environmental Impact Statement for the proposed Pine Hollow Reservoir (Yakima County).
Water Quality Account	4,371,983	Excise tax on tobacco products	Process water right applications for change, provide technical assistance to watershed planning units, establish instream flows in non-watershed planning basins, update water rights data systems.
Capital Budget Funding - \$37,012,689			
General Fund - Federal	6,000,000	Grants from Bonneville Power Admin. or National Marine Fisheries Svc.	Purchase or lease water rights from current users to improve stream flows in critical fish streams. (Subject to the federal funds actually being made available.)
State Building Construction Account	87,689 1,000,000 new appropriation	Sale of Bonds	Methow Basin Water Conservation. Purchase water rights to improve stream flows in fish critical basins.
State and Local Improvements Revolving Account (Ref. 38)	10,000,000 new appropriation 6,000,000 reappropriation	Sale of Bonds; loan repayment and interest payments	Grants/loans for agricultural water supply facilities (\$11,750,000). Grants for farm water use efficiency improvements (\$4,000,000). Storage study for Lake Wenatchee (\$250,000).

State Drought Preparedness Account	5,525,000 reappropriation	Previous bond sales, loan repayments and interest payments	Grants/loans for drought related agricultural and municipal water supply facilities projects. Purchase and lease of water rights to improve stream flows in fish critical streams (\$2,500,000)
Water Quality Account	5,000,000	Excise tax on tobacco products	Grants for farm water use efficiency improvements (\$4,000,000). Drought mitigation projects in the Yakima basin (\$1,000,000)

**Water Resource Program
Dollars by Fund Source**



**Water Resources Program
Dollars by Activity**

